

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**Big Sky Resort - 1 Lone Mountain Trail**  
**Big Sky, MT**  
**JULY 14, 2011**

**Commission Members Present:** Bob Ream, Chairman; Dan Vermillion, Vice-Chairman; Ron Moody; Shane Colton; and A. T. Stafne.

**Fish, Wildlife & Parks Staff Present:** Joe Maurier, Director, and FWP Staff.

**Guests:** See July 14, 2011 Commission file folder for names of who signed in.

A Work Session immediately followed the Commission meeting to discuss fishing regulations and how they evolve.

**Topics of Discussion:**

1. **Call to Order - Pledge of Allegiance**
2. **Approval of Minutes of the June 9, 2011 Commission Meeting**
3. **Approval of Commission Expenses through June, 2011**
4. **Commission Reports**
5. **Director's Report**
6. **Mountain Acres Fee-Title FAS Acquisition on Machler/Big Spring Creek - Final**
7. **South Fork Flathead Temporary Limit Waiver - Final**
8. **Cherry and Granite Lakes Temporary Limit Waiver - Final**
9. **2011 Deer, Elk, and Antelope Quotas Outside Biennial Quota Ranges - Final**
10. **Nongame Check-off Work Plan - Final**
11. **2011 Fall Upland Game Bird Quotas and Limits - Final**
12. **2011 HB 454 Hunting Access Agreements - Final**
13. **2011 Wolf Hunting Seasons, Quotas and Hunting District Boundaries - Final**
14. **Upland Game Bird Strategic Plan - Final**
15. **Fish Creek WMA - DNRC Fire Road Restoration Project - Final**
16. **2011 Early Season Migratory Bird Regulations – Proposed**
17. **Scoping for Biennial Regulations - Informational**
18. **Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. **Call to Order - Pledge of Allegiance.** Vice-Chairman Vermillion called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. **Approval of the Commission Meeting Minutes of June 9, 2011.**

*Action: Colton moved and Moody seconded the motion to approve the June 9, 2011 minutes. Motion carried.*

3. **Approval of the June Commission Expense Report.**

*Action: Colton moved and Moody seconded the motion to approve the expense report as presented. Motion carried.*

#### **4. Commission Reports.**

Stafne reported his region is returning to normal after the severe winter and wet spring, but mosquitoes are out in full force. Moody commented that dedicated fly fisherman will fish in *any* water, including Big Springs Creek which has been muddy. Colton reported that the oil spill in the Yellowstone River has created great concern. FWP regional staff is conducting inventories of the damage. Animals are covered with oil, and amphibians and insects are also affected. There is water in places where there has not been water for many years. This spill is costing FWP money, and is causing progress on other projects to be slowed. There is oil in some food plots, and there is oil at Yellowstone River State Park.

Vermillion stated that his district is also returning to normal, although the rivers are still high. There has been no major flooding, but the water table is high. He is optimistic that fishing will be good later. He attended a meeting with folks from Billings to discuss fishing regulations, and there is movement in the Bozeman area to engage more sportsmen in FWP activities. He noted that Congress is cutting land and water conservation funds by 80%.

**5. Director's Report.** Director Maurier reported that FWP staff has been working very hard on preparations for the WAFWA Conference that FWP is hosting at Big Sky. The Spotted Dog Bison EA is almost finished. A neighboring landowner has reached an agreement with FWP. Fewer bison are proposed to be located there than originally thought as some may go to Fort Peck and Fort Belknap. There should not be any real reasons for opposition. Many fishing access sites have been under water; FWP will apply for FEMA funds to work on infrastructures. The high water is good for the fish. The full impacts of the oil spill are unknown as of yet, but daily updates are submitted. Once the water recedes, staff can determine the impacts. FWP is keeping track of costs. The main points of contact are Bruce Rich and Gary Hammond.

Bruce Rich, FWP Fisheries Bureau Chief, said 45 sites were originally identified as contaminated by the oil spill, but that number will likely increase. There are 600 people involved in the clean-up from all around the country, and many of them have dealt with these situations before. FWP has eight staff members being trained on what to look for, how to assess and document their findings, and how to prescribe remediation efforts. FWP is also meeting with DEQ to develop remediation standards. An aquatic species person is on staff to decontaminate boats and gear from around the country.

**6. Mountain Acres Fee-Title FAS Acquisition on Machler/Big Spring Creek - Final.** Bruce Rich, FWP Fisheries Bureau Chief, explained that this 6.27-acre site is northwest of Lewistown, and will provide additional access for bank fishing on Big Spring Creek, which is too deep to wade and too narrow to float. The purchase price for the parcel is \$64,000. FWP was awarded a \$54,000 grant from the Montana Fish and Wildlife Conservation Trust to acquire the parcel, and the balance will be obtained from the Fishing Access Site Acquisition Fund. FWP also proposes to restore meanders to the stream, as well as repair the riparian area that was channelized in 1961 at the Mountain Acres site, which reduced the stream length by 50% in this reach. Overwhelming support has been voiced for this project.

*Action: Moody moved and Colton seconded the motion to authorize FWP to acquire the Mountain Acres parcel on Big Spring Creek.*

Colton suggested a plaque be placed at the parking lot to recognize the Mackler family's generosity, as they could have sold it for more money for development.

*Action on Motion: Motion carried.*

**7. South Fork Flathead Temporary Limit Waiver - Final.** Bruce Rich, FWP Fisheries Bureau Chief, explained that FWP initiated the South Fork Flathead Cutthroat Conservation Plan to replace nonnative fish with pure westslope cutthroat in 21 lakes in the South Fork Flathead drainage through chemical treatment or genetic swamping. The Necklace Chain of Lakes, which consists of four lakes, is scheduled for chemical treatment this year, and George, Woodward, Pyramid, Pilgrim, Upper and Lower Three Eagles are scheduled for genetic swamping for a third year. The public has asked for a limit waiver so they might maximize fish harvest before treatment, so FWP proposes to remove the daily and possession limits since the fish will be removed anyway. Limit waivers create good will and enhance the project's goal of genetic purity.

*Action: Vermillion moved and Colton seconded the motion that the daily and possession bag limits be removed effective immediately through October 1, 2011 for the Necklace Chain, George, Woodward, Pyramid, Pilgrim, and Upper and Lower Three Eagles lakes, including within 100 yards of the lakes for inlet and outlet streams in the South Fork Flathead drainage. Motion carried.*

**8. Cherry and Granite Lakes Temporary Limit Waiver - Final.** Bruce Rich, FWP Fisheries Bureau Chief, explained that FWP plans to restore non-hybridized westslope cutthroat trout to Cherry Creek, a tributary to the Big Hole River, by removing brook trout and hybridized trout from Cherry Creek, Cherry Lake, and Granite Lake through the use of rotenone. Since the fish will be removed anyway, FWP proposes removing the limits on these lakes (5 daily, 10 in possession), effective immediately, until September 1, 2011. Limit waivers create public goodwill and agency support, and will enhance the goal of fish removal.

*Action: Vermillion moved and Colton seconded the motion to remove the daily and possession bag limits for Cherry and Granite Lakes, effective immediately, through September 1, 2011. Motion carried.*

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Chairman Ream took over the meeting.

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**9. 2011 Deer, Elk, and Antelope Quotas Outside Biennial Quota Ranges - Final.** Quentin Kujala, FWP Wildlife Bureau, stated there are no recommended changes to the proposed quota ranges. The changes to the 2010 quotas (proposed and adopted) are as follows, with all other quotas unchanged from 2010 levels or adjusted within current biennial ranges.

#### Deer

##### Region 4

410-00: decrease antlerless MD B licenses from 25 to 5; adjust range from 25 – 600 to 5 – 600

417-00: decrease antlerless MD B licenses from 50 to 5; adjust range from 25 – 600 to 5 – 600

419-00: decrease antlerless MD B licenses from 50 to 5; adjust range from 25 – 400 to 5 – 400

426-00: decrease antlerless MD B licenses from 50 to 5; adjust range from 25 – 700 to 5 – 700

##### Region 7

007-13: decrease antlerless MD B licenses from unlimited to 2500 (license sold first come first served until exhausted)

#### Elk

##### Region 2

210-80: increase antlerless B licenses from 300 to 600; adjust range from 5 – 400 to 5 – 600

211-80: increase antlerless B licenses from 150 to 300; adjust range from 5 – 200 to 5 – 300

##### Region 3

314-80: decrease antlerless B licenses from 1000 to 200; adjust range from 1000 – 2000 to 200 – 2000

#### Antelope

##### Region 6

630-00: decrease ES licenses from 150 to 10; adjust range from 50 – 500 to 10 – 500

630-10: decrease D/F licenses from 10 to 5; adjust range from 100 – 200 to 5 – 200

670-00: decrease ES licenses from 350 to 25; adjust range from 200 – 500 to 25 – 500

670-10: decrease D/F licenses from 25 to 10; adjust range from 15 – 200 to 10 – 200

##### Region 7

700-00: decrease ES licenses from 11,000 to 9000; adjust range from 11,000 – 15,000 to 9000 – 15,000

700-10: decrease D/F licenses from 2000 to 500; adjust range from 1600 – 11,000 to 500 – 11,000

*Action: Vermillion moved and Moody seconded the motion adopt the final adjustments to 2011 deer, elk and antelope quotas outside the biennial range as presented by FWP.*

Vito Quatraro, Headwater Sportsmen Association, congratulated the Department on reducing the numbers. Sportsmen have to step up when the resources are affected. He encouraged working with the elk archery committee.

*Action on Motion: Motion carried.*

**10. Nongame Check-off Work Plan - Final.** Ken McDonald, FWP Wildlife Bureau Chief, explained that under 87-5-122, MCA, the Commission must annually review and approve project proposals for funding from the nongame wildlife account. FWP estimates the dollar amount for FY12 to be \$35,000, and recommends expending \$15,000 to identify, prioritize, and monitor conservation habitat for nongame, threatened or endangered species, \$15,000 for inventory,

monitoring and conservation work on species of concern, including bald eagles, common loons, bats, and amphibians, and \$5,000 for competitive student stipend for nongame research.

*Action: Colton moved and Moody seconded the motion to approve the proposed Nongame Tax Check-Off work for Fiscal Year 2012. Motion carried.*

**11. 2011 Fall Upland Game Bird Quotas and Limits - Final.**

No recommended changes to the proposed quotas, or from the 2010 quotas.

*Action: Colton moved and Moody seconded the motion to adopt the final 2011 upland game bird bag and possession limits and permit quotas as presented by FWP. Motion carried.*

**12. 2011 HB 454 Hunting Access Agreements - Final.** Under the provisions of 87-2-513 MCA, FWP received the authority to issue either-sex or antlerless elk permits to landowners for management purposes. The landowner must offer free public elk hunting, meet the various conditions of the statute, and enter a contractual public elk hunting access agreement with FWP. Quentin Kujala, FWP Wildlife Bureau, explained that only one agreement has been proposed, which is with the Swanz family. The Swanz Hunting Access Agreement, which began in 2002, stipulates that in return for allowing access to elk hunters, Mr. Swanz or a family member would receive one 411-21 either-sex permit. In turn, FWP would issue four additional 411-21 permits from the random list of unsuccessful applicants for that license permit type. Successful applicants can only hunt on the Swanz deeded property. This agreement is the same as the 2010 agreement.

*Action: Colton moved and Vermillion seconded the motion to adopt the proposed Swanz Hunting Access Agreement for the 2011 general hunting season as presented by FWP. Motion carried.*

**13. 2011 Wolf Hunting Seasons, Quotas and Hunting District Boundaries - Final.** Ken McDonald, FWP Wildlife Bureau Chief, narrated a Power Point presentation. No changes are recommended to the proposed regulations that were adopted by the Commission at the May 2011 meeting. These regulations reflect the 2010 process with a statewide quota of 220 and an additional WMU in the Bitterroot (14 total management units). There will be a 5-day validation period, a limit of one wolf, and mandatory reporting. There will be a 24-hour closure notice. An archery-only season, limited to no more than 20 percent of the quota, was also adopted. There is no trapping component. Only legal hunting harvest would count towards quotas and quota over-runs were to be subtracted from a nearby unit or statewide quotas. Objectives of the season proposal are to maintain a viable and connected wolf population in Montana, to gain and maintain authority for Montana to manage wolves, to maintain positive and effective working relationships with livestock producers, hunters, and other stakeholders, to reduce wolf impacts on livestock, to reduce wolf impacts on big game populations, to maintain sustainable hunter opportunity for wolves to maintain sustainable hunter opportunity for ungulates, to increase broad public acceptance of sustainable harvest and hunter opportunity as part of wolf conservation, to enhance open and effective communication to better inform decisions, and to learn and improve as we go. 736 comments were received with a variety of opinions.

*Action: Colton moved and Vermillion seconded the motion to adopt the final 2011 wolf season, quota and hunting district boundaries as presented by FWP.*

Ream stated that Yellowstone Park had asked FWP to provide buffers in HD316, which FWP did. Currently, there are no known packs in HD316, but HD313 has 2 packs that use both the Park and the area north of the Park. The Park has a carcass dumping ground for dead bison and elk, etc. which has resulted in drawing the Eight-mile pack into the Park and moving the Quadrant pack east. Grizzly bears are also attracted to this dumping ground.

*Action: Ream moved and Moody seconded an amendment to the motion that FWP extend subquotas of 3 to include Elk hunting HD313 and elk hunting HD316 for the fall of 2011. Ream will follow up with the Parks Service to see about moving the dumping ground. Colton accepted the friendly amendment.*

McDonald said he was hesitant to include buffers or expansions around the Park for management because that would be treating wolves differently than other species. A concern is that a subquota would take more wolves than should be taken.

Chairman Ream asked for public comment on the proposed change.

Mark Cooke encouraged Director Maurier to contact YNP on where to locate their carcass disposal site so as to disperse wolves from that area.

Keith Kabista echoed Mr. Cooke's comments. Closing the dumping pit would eliminate the reason the wolves are there. The "learn as we go" theme needs to be applied. Less quotas on other species will lessen wolf take as there will be fewer people in field due to lessened hunter opportunity. He said to consider the take of two wolves and if quota is not reached, to grant an extension.

Chris Colligan, Great Yellowstone Coalition, thanked FWP for using a science based approach. They support the subquota in HD313 and will also follow up with YNP regarding the boneyard situation.

Colton said the 5-day rule on purchasing a license will be upheld – enforcement will take it seriously.

*Action on Motion: Action carried.*

**14. Upland Game Bird Strategic Plan - Final.** FWP administers the statewide Upland Game Bird Enhancement Program, which is organized into the Upland Game Bird Release Program and the Upland Game Bird Habitat Enhancement Program. A legislative performance audit recommended that FWP establish a citizens' advisory council to develop a long-term strategic management plan that includes clearly defined management controls. Ken McDonald, FWP Wildlife Bureau Chief, stated that following Commission approval of the plan in April, public comment was accepted until June 6. After review of the fifty-three comments, the Council edited the proposed plan to include the following:

- \* Differentiate and define "habitat maintenance" as a separate activity from habitat "project." As defined, maintenance of habitat projects will not be governed by statutory cap.

- \* Project implementation may occur on private property that is less than 100 contiguous acres if more than 100 contiguous acres of public access is adjacent to the proposed project site. The current ARM states, "projects must be located within a suitably sized area normally a minimum of 100 contiguous acres."

*Action: Vermillion moved and Colton seconded the motion to adopt as final the Upland Game Bird Enhancement Program Strategic Plan as presented as cover sheet.*

Joe Perry, UGBEP Acting Chair, said they put a lot of work into this plan. They reviewed all of the comments and made adjustments to the proposed plan. No comments were received that expressed concern about spending too much money. They need the ability to continue to work on projects. He stated that Representative French, Representative McChesney, and Senator Shockley all agreed that maintenance was a huge necessity. All projects involve free public access.

Deb Hohler, FWP Wildlife Bureau, said projects previously involved mostly nesting cover and shelter belts, but now they are looking at WMAs and projects on a grander scale. Now projects must either be 100 contiguous acres, or it and the adjacent access must total at least 100 acres.

*Action on Motion: Motion carried.*

**15. Fish Creek WMA - DNRC Fire Road Restoration Project - Final.** As part of the Fish Creek WMA Road Restoration Project, FWP proposes to coordinate with DNRC to remove some existing roads and exchange and abandon some road easements. The roads proposed for removal run through wet areas and are at risk for failure or sediment delivery to streams. Fish Creek and its tributaries supports bull trout and westslope cutthroat trout, and the Wig Creek drainage provides important elk winter range for elk, white-tailed deer, mule deer, and moose.

Ken McDonald, FWP Wildlife Bureau Chief, explained that the proposal would obliterate 2.8 miles of existing road on three road segments occupying sites at risk for failure or sediment delivery to streams. 2.5 miles of marginal access would be obliterated on School trust lands. DNRC would acquire 1.2 miles of easements from FWP for alternative access routes to school trust lands and grant 0.8 miles of easements to FWP for alternative access to Wildlife Management Area lands. DNRC would abandon 5.2 miles of existing easements and FWP would abandon .2 miles of existing easements that would no longer provide favorable access.

*Action: Vermillion moved and Colton seconded the motion that the Commission approve the Department's proposal to pursue the opportunity to decrease the road prism on the Fish Creek WMA. Motion carried.*

**16. 2011 Early Season Migratory Bird Regulations – Proposed.** Quentin Kujala, FWP Wildlife Bureau, explained that the only recommended changes to the existing 2010 regulations, other than date changes, is a reduction in crane permits in the Warm Springs district. All other season elements are proposed to be unchanged from 2010.

- Season dates for Rocky Mountain Population of Sandhill Cranes (special drawn permits): Sept 10 – Sept. 25
- Season dates for Mid-continent Sandhill Cranes: Sept. 24– Nov. 20
- 280-01 crane permits in Warm Springs portion of Deer Lodge County decreased from 30 to 5

*Action: Moody moved and Colton seconded the motion to adopt the proposed 2011 Early Season Migratory Bird Seasons as presented by FWP. Motion carried.*

**17. Scoping for Biennial Regulations - Informational.** Increased public participation is being sought to address criticisms that FWP does not provide sufficient opportunity for the public to weigh in on the setting of biennial regulations. Ken McDonald, FWP Wildlife Bureau Chief, stated that FWP is proposing to begin the scoping process today. A Survey Monkey process is being initiated whereby the public can comment on any species. Additionally, 46 statewide public meetings will be held during the month of August. Input from the Commission on the upcoming biennial season setting process is also encouraged.

Moody said when he observed the process two years ago, he felt the process was on the right track, but could use a couple of adjustments/changes. It was new and the public was not accustomed to participating. He suggested providing a list of trigger ideas as conversation starters, such as access and equitable distribution of hunting opportunity.

Colton said scoping will help identify items of interest, and will assist staff in preparation. It will help folks gain an understanding of what is being considered, and will provide ideas for people to focus on.

**18. Open Microphone – Public Opportunity to Address FWP Issues Not on Agenda.**

Jesse Nelson, Montana Bowhunters Association, said they want to ensure the bison archery opportunity and its success, and toward that end they would like to set up a mandatory class for those persons who wish to use archery equipment. The class would utilize a hands-on approach, and they would like to see it be offered the first two years of the archery hunting opportunity, and then eventually be placed into the existing education course. They envision a two-hour class in Bozeman to begin with, but it may need to become a roving course. It would not be a pass/fail course, but would serve to enlighten archers as to what they are walking into in a bison hunt.

Moody suggested that Ron Aasheim invite the MBA folks to meet with Thomas Baumeister and see where it could fit into the hunter education course. He said he appreciates the bowhunters wanting to learn.

The Commission determined there would be no September Commission meeting.

The newly appointed Elk Archery Working Group consists of Henry Bedford, Jack Billingsley, Ed Bukoskey, Ray Gross, Art Hayes, Bill McKinley, Rick Miller, Jason Tounsley, Terry Stiles, and Doug Krings. An FWP representative will also participate. Their first meeting will occur July 25 in Lewistown. University of Montana Professor Mike Mitchell will facilitate the meeting.

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The meeting adjourned at 2:00 p .m.

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Bob Ream, Chairman

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Joe Maurier, Director